

The hearing on Tuesday, November 12, 2024, is called to order by Chairman Kwiek at 7:03 pm.

Members Present:	John Jimenez	Also:	Robert Schafer, Alternate
	Greg Kalinowski		Jim Lembke, Alternate
	Shawn Pralow		Rosemary Bapst, Atty
	Harry Kwiek		Ray Balcerzak, Building Inspector
	Ron Carey	Absent:	Phyllis Todoro, Town Atty

Appeals Case # 1467 for Peter Martin of 541 Ostrander Road, East Aurora, NY requesting an area variance to retain a shed on vacant land §144-133, Residential C.

Mike Hetler from Kenmore, NY, attorney for Peter Martin.

There is a 27-acre parcel to the west, which is vacant land, mother passed and is selling that home on Ostrander. A small shed is on a 27-acre parcel and will be on vacant land. They would like to keep the shed on their land.

Mr. Kwiek asked the purpose use of the shed and Mr. Martin said it was to keep a lawn mower and a snow blower.

Mr. Kwiek asked if anything was sold and if the main house was being sold. The shed will hold equipment to maintain the 27 acres. The front of the 27 acres is on West Blood and is wetlands. Mr. Carey said the shed is clearly on the West Blood property. Mr. Kwiek asked what the official property line was.

The house is sold with the proposed property lines and if the variance is not granted the shed would have to come down.

The small 20-foot piece, they are looking to keep, will become part of the 27 acres.

Mr. Kwiek asked if they would do an easement on the property instead of what they were looking to do.

Mr. Hetler showed Mr. Carey and Mr. Jimenez where the wetlands are located. Mr. Carey stated that putting the piece from Ostrander would create a non-conforming lot.

When the house was renovated, the shed was moved to the current location.

The new proposed property line can be created by the attorneys.

Ms. Bapst asked if the house was separate from the other parcel.

Mr. Martin wants the property to be vacant and put into conservancy in the future. The purpose is to keep the land natural and not developed.

Mr. Carey asked if the 20 X 100 piece of property will have a new SBL.

Mr. Hetler has a survey from 2002 that shows the shed on the property. Mr. Pralow asked if the stone driveway was covered over, and it was with grass.

Mr. Jimenez went over the measurements for the property line and the distance between the shed. Mr. Kalinowski stated that there is little use for the shed. The driveway is very hard to see so that would give the appearance that the road is not used. The shed in the picture is empty.

No one spoke in favor for the variance.

Against the variance was:	Jeff Breinstein	571 Ostrander
	Jeff Breinstein	501 Ostrander
	Carolyn Powell	461 Ostrander

Mr. Jimenez made the motion for Appeals Case # 1467 for Mr. Peter Martin of 541 Ostrander Road, East Aurora, NY requesting an area variance to retain a shed on vacant land §144-133, Residential C to be denied.

1. An undesirable change would be known

2. The benefit can be achieved by another means or a redesign
3. The request is significant.
4. The request would have an adverse safety, physical or environmental impact of the neighborhood.
5. The alleged is self-created, that is was moved to a vacant lot.

Seconded by: Mr. Kalinowski. Yes: 5. Nays: 0.

Appeals Case # 1468 for William Janik of 1231 Transit Road, Elma, NY requesting an area variance for a lot to be approved as a building lot beyond the original four splits §144-131 and §100-3, Residential C.

William Janik wants to sell but cannot due to the four-split rule.

Mr. Kwiek asked if it is listed, and it has not until he knows it can be built on.

Mr. Kwiek asked if there are residents on both sides, there is.

Mr. Carey asked if the address is correct and pointed out the parcel in a drawing and it was confirmed that it is.

Mr. Janik said the four split rule did not come into effect until the 1990's, he purchased before that time. The required frontage and acreage are not there for the piece of property.

Mr. Jimenez stated the hardship is to sell the property. Mr. Janik stated there are parcels down the road that are being built on and are similar to his property. The requirement of two acres is of importance, stated Mr. Jimenez.

Mr. Pralow asked what the taxes are yearly, answer was maybe a couple thousand.

Mr. Kwiek asked if he had any other properties in Elma. He does not other than the house he resides in.

No one spoke in favor for the variance.

Against the variance was: Doug Faulhaber 150 Willardshire Rd

Mr. Carey made the motion for Appeals Case # 1468 for William Janik of 1231 Transit Road, Elma, NY requesting an area variance for a lot to be approved as a building lot beyond the original four splits §144-131 and §100-3, Residential C to approve with:

1. A desirable change would be known
2. The benefit could not be achieved another way.
3. The request is not substantial
4. The request would not have an adverse physical or environmental effect.
5. The alleged difficulty is not self-created as the property was purchased at this size in 1976 and prior to the section 100-3 amendment of 1994.

Seconded by: Mr. Jimenez. Yes: 4. Nays: 1.

Mr. Jimenez made the motion at 8:13 to end the meeting. Seconded by Mr. Pralow. Yes: 5. Nays: 0.

Respectfully Submitted,



Kerry Galuski
Zoning Board Secretary